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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000320

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SUBJECT: IECL COMMISSIONER SAFWAT ARGUES FOR DELAYED PROVINCIAL ELECTIONS, CLAIMS NO NEED FOR INTERNATIONAL COMMISSIONER

Classified By: POLITICAL COUNSELOR ROBERT S. FORD, FOR REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY: IECL Commissioner Safwat told poloffs February 1 that provincial elections should be delayed until at least midyear to give the IECL more time to prepare. He added that the IECL would need changes and improvements, with priorities including revamping the voter registry and reforming the commission structure. Safwat said that given the experience gained by the IECL over the past 15 months, a UN-appointed international commissioner may no longer be necessary. END SUMMARY.

ARGUING FOR DELAYED PROVINCIAL ELECTIONS

¶2. (C) Independent Electoral Commission of Iraq (IECL) Commissioner Safwat Rasheed Sidqi told poloffs February 1 that provincial elections should be delayed until at least midyear. He said that the IECL would need time to prepare for the provincial vote, the commissioners are tired as a result of the electoral pace in 2005, and that there was no reason to rush forward to change current provincial councils.

Safwat noted that the proposed Provincial Election Law, passed by the Transitional National Assembly (TNA) in 2005, was never approved by the Presidency Council. He argued that a new version of the law would need to address provincial council authority and responsibilities and be consistent with the new constitution. Safwat said that Shi'a politicians are still pushing for early elections, but warned that elections held too soon would likely result in sectarian violence as coalitions fracture at the local level.

TIME TO OVERHAUL THE IECL

¶3. (C/REL UN) Safwat said that the IECL should consider lessons learned from the three electoral events in 2005 and review IECL structure and operations. He said that review should include the make-up of the IECL Board of Directors -- currently eight Iraqi commissioners and one UN-appointed international expert. He said that based on the experience gained over the past 15 months, the commissioners could move forward as a fully Iraqi board. However, he maintained that the IECL would still require the support from the International Electoral Assistance Team (IEAT). He said that the December elections exposed weaknesses in the voter registry that need to be addressed before any electoral event is conducted in 2006. Safwat also indicated that IECL computer systems need upgrading, that the Governorate Electoral Office role in the provincial elections needs to be better defined, and that procedures need to be reassessed.

STATUS OF APPEALS

¶4. (C) Safwat said that the Transitional Electoral Panel (TEP) has already decided on one appeal and was forging ahead with the other cases. (NOTE: Safwat did not indicate on which case the TEP had reached a decision. However, we heard from a UN source February 2 that the case involved a minor party which argued that it deserved a seat because of all the good it had done for Iraq. Of greater significance, the same source advised that the TEP began hearings on the UIC 555 appeal on February 1 and on the Allawi list appeal February 2; reportedly these hearings will continue on February 5 and 6 respectively.) Safwat was cautiously optimistic that the TEP would complete the hearing process in a timely manner and decide in favor of the IECI in all instances. Regarding the UIC 555 and Kurdish appeals on the Council of Representatives governorate seat allocation formula, Safwat reaffirmed his confidence that the formula described in the electoral regulations would be upheld by the TEP.

COMMENT

¶5. (C/REL UN) Safwat, a Kurd, is only one of eight Iraqi commissioners; several of his colleagues will likely be more responsive to reported Shia pressures as to the timing of provincial elections. We will seek their views as well. Regarding his suggestion that an international commissioner is no longer needed, we must ensure that the ultimate decision not compromise the effectiveness of the IECI. At a minimum, there will remain a need for the UN to continue to

BAGHDAD 00000320 002.3 OF 002

lead the election assistance effort and to have direct access to board members after International Commissioner Craig Jenness departs. (NOTE: Jenness has indicated that he plans to leave Iraq after the Commission wraps up its work related to the December 15 election.)

KHALILZAD